

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 4:18 CR 628
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
BRIAN K. CARDER,)	REFERRAL TO U.S. PROBATION
)	<u>OFFICE</u>
Defendant)	

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge David A. Ruiz, regarding the change of plea hearing of Brian K. Carder, which was referred to the Magistrate Judge with the consent of the parties.

On October 24, 2018, the government filed a four count Indictment, charging Defendant Brian K. Carder, in counts one, two and three with Conspiracy to Obstruct Justice, in violation of Title 18 section 1512(k), Obstruction of Justice, in violation of Title 18, section 1512(c)(2) and 18:2, and Obstruction of Proceedings, in violation of Title 18 section 1505 and 18:2 . Defendant Carder was arraigned on October 30, 2018, and entered a plea of not guilty to counts one, two and three of the Indictment, before Magistrate Judge Limbert. On July 11, 2019, Magistrate Judge Ruiz, received Defendant Carder's plea of guilty to Count 1 of the Indictment, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant

Carder is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Carder is adjudged guilty to Count 1 of the Indictment, in violation of Title 18 United States Code, Section 1512(k). This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be held on October 15, 2019, at 2:00 p.m. in Courtroom 17A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

September 25, 2019